

REMARKS/ARGUMENTS

In the office action mailed May 13, 2008, the examiner required restriction of claims 1-27. A review of the file however shows that a preliminary amendment was filed with the application on June 20, 2005. The preliminary amendment canceled claims 1-27 and presented new claims 28-63. Claims 28-46 were directed to a process for the production of elements and claims 47-63 were directed to an element. Applicant notes that these are the same groups of claims which form the basis for the restriction requirement. In order to save time and avoid the issuance of a new office action, applicant is treating the restriction requirement as applying to the new set of claims.

Applicants hereby elects group 1, claims 28-46, which claims are drawn to a process for the production of elements made from or comprising material with a high heat storage capacity. The foregoing election is made with traverse.

It is submitted that the examiner has not properly set forth a basis for requiring restriction. The examiner has failed to show that the process as claimed can be used to form a materially different product than what is being claimed and/or that the product being claimed, namely the elements, can be manufactured by a materially different process.

With regard to the alleged evidence of lack of unity, applicants hereby point out that in U.S. Patent No. 4,259,401, there are claims to both the building element and to a method for constructing a building material. Thus, claims to both an element and process which are as related as those in the instant application properly belong in the same application. If

anything, the '401 patent evidences that the restriction requirement should be withdrawn. Similarly, the '330 application includes claims to both a heat insulation blanket and a method of forming an insulation blanket. Consequently, this publication does not support the existing restriction requirement.

For the foregoing reasons, the examiner is hereby requested to withdraw the restriction requirement and examine all of the claims pending in the application.

An early action on the merits is respectfully solicited.

Should the examiner believe that an amendment is needed to place the case in position for allowance, the examiner is hereby invited to contact applicants' attorney at the telephone number below.

No fee is believed to be due as a result of this response. Should the director determine that a fee is due, he is hereby authorized to charge said fees to Deposit Account No. 02-0184.

Respectfully submitted,

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